

THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 96 of 2006

Ompal Singh S/O Kabaz Singh,
R/O Village Mundlana, Pargana Manglor,
Tehsil Roorkee, District Haridwar. ... **Petitioner.**

Versus

1. Civil Judge Junior Division, Roorkee, Distt. Haridwar,
2. Sahi Ram S/O Dhoom Singh,
3. Satpal S/O Chetan,
4. Mehtab S/O Mehboob,
5. Sompal S/O Pawan Singh,
6. Ompal S/O Pawan Singh,
7. Vishwas S/O Pawan Singh,
8. Jay Kumar S/O Samay Singh,
9. Rishipal S/O Samay Singh
Respondent No. 2 to 9 R/O Village Mundlana, Pargana Manglor,
Tehsil Roorkee, Distt. Haridwar. ... **Respondents**

Sri Parikshit Saini, learned counsel for the petitioner.
Sri Nand Prasad learned counsel for the respondent no.1.

Dated February 14, 2006.

Hon'ble B.S. Verma, J.

Heard Sri Parikshit Saini, learned counsel for the petitioner and Sri Nand Prasad, learned Standing Counsel.

The petitioner has filed this writ petition to issue a writ order or direction quashing the order dated 9-11-2005 passed by the respondent no. 1 contained as Annexure No. 4 to the writ petition.

The petitioner-plaintiff filed a suit No. 153 of 2005, Ompal Singh V. Sahi Ram and others, for permanent injunction restraining the defendants before the Civil Judge (Junior Division) Roorkee. An application for interim injunction was also filed under Order 39, Rules 1 and 2 C.P.C. and Section 151 of the C.P.C. After hearing the plaintiff, the Civil Judge Junior Division issued notices to the defendants fixing 19-11-2005 for objection and disposal of the application.

According to the plaintiff-petitioner the defendants are lingering on the matter and want to interfere in the possession of the plaintiff during the pendency of the suit. It is expedient in the interest of justice that the interim injunction application may be heard as early as possible otherwise the plaintiff will suffer irreparable loss and injury.

Considering the facts and the circumstances of the case, I direct the Civil Judge (Junior Division) Roorkee (Haridwar) to decide the application for ad interim injunction moved by the plaintiff under Order 39, Rules 1 and 2 and Section 151 of the C.P.C. after hearing both the parties within fifteen days from the date of production of certified copy of this order by the plaintiff-petitioner.

With the above observation, the writ petition is disposed of finally.

(B.S.Verma, J.)

14.02.2006.
RCP